REMARKS

The Applicant would first like to thank the examiner for his time and attention in conducting the interview on Sept. 20, 2006. The Applicant greatly appreciates the opportunity to discuss with the examiner issues pertaining to the current application and its relation to the prior art cited of record. The amendments made by this paper are consistent with the proposals discussed during the interview.

In the Office Action mailed July 28, 2006, all of the claims 1-44 were considered and rejected.[1] Claim 10 was also objected to for improper dependency for depending on claim 8 rather than claim 7. Applicant notes, however, that the dependency of Claim 10 is correct. In particular, by depending on claim 8, claim 10 inherently depends on claim 7, since claim 8 depends on claim 7. As such, Applicant respectfully submits that this objection should be withdrawn.

By this response, claims 1, 15, 29, and 37 are amended such that claims 1-44 remain pending.[2] Claims 1, 15, 29, and 37 are the only independent claims which remain at issue.

As recited in the claims, and as discussed during the interview, the present invention is generally directed towards methods and systems whereby a message server may obtain, on behalf of a principal, a use license from a rights management server such that a principal may access protected content of a message at a time when the principal does not have access to a rights management server. The method specifically recited in claim 1 is recited using non-functional "acts". The corresponding method recited in claim 15 uses functional "step for" language. The remaining independent claims, claims 29 and 37, recite computer program products comprising computer-executable instructions for implementing the methods recited in claims 1 and 15, respectively.

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[1] Claims 1-3, 5, 7-9, 11-17, 19, 26-32, 34-38, 40, 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Wyman (US 5,204,897) hereinafter *Wyman*. Claims 4, 18, 21-23, 25, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wyman* in view of Misra et al. (US 6,189,146) hereinafter *Misra*. Claims 6, 10, 2, 33, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wyman* in view of England et al. (US 6,330,670) hereinafter *England*. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Wyman* in view of *Misra* and further in view of *England*. Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for this amendment is explicitly found in at least ¶ 42 of the Specification, which was also reviewed by the Examiner during the interview.

As discussed during the interview, none of the claims should now be anticipated or found obvious in view of the art of record. In particular, *Wyman* is directed towards providing delegate rights management servers such that principals may obtain use rights from a principal rights management server or, alternatively, from a delegate rights management server and clearly fails to teach or suggest any embodiment in which a message server receives content from a sending computing system and recognizes that the content is subject to rights management or, in response to recognizing the receipt of protected content, requests a use license from a rights management server on behalf of a principal, as claimed in combination with the other recited claim elements. For at least these reasons, as discussed during the interview, all of the independent and corresponding dependent claims are distinguished from the art of record and should now, therefore, be found in immediate condition for allowance.[3]

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically

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[3] The Applicant would also like to respectfully note that - in the view of the Applicant - the Examiner's July 28, 2006, response to the Applicant's arguments of May 23, 2006, apparently misconstrues *Wyman*. *Wyman* required a principal to have access to a rights management server but the Examiner argued that a delegate server was not a rights management server. *Wyman*, however, clearly indicates that a delegate server *is* a rights management server. *See Wyman* c.9 l.30–40 ("The license management program 14 [running on delegate server 13] is the same as the program 11 executing on the main server 10; the only difference in the functions of [main] server 10 and [delegate] servers 13 is that the latter have a delegated subset of the license units granted to the [main] server 10."). Because the claims as previously presented contained the limitation that a principal did not have access to a rights management server, the principal could not have had access to either a rights management server or a delegate rights management server.
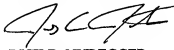
Furthermore, *Wyman* clearly teaches away from the claims as they were presented in the May 23rd response. Claim 1 included the limitation that the "principal may access the content in accordance with the use license at a time when the principal does not have access to a rights management server." *Wyman* clearly taught that "administration of [a] license is *only in response to inquiries from user nodes*." *See Wyman* c.11 l.16–18 (emphasis added). It would clearly be impossible for a user (i.e., "principal") to make an inquiry in accordance with the teachings of *Wyman* at a time when the user did not have access to a rights management server, as is taught by the present invention.

request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 28th day of October, 2006.

Respectfully submitted,

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